



Planning & Economic Development Department  
100 Hughes Road  
Madison, Alabama 35758

## **Zoning Board of Adjustment & Appeals Staff Report**

**Date:** July 7, 2022

**Case No:** Special Exception 2022-003

**Applicant:** Pamela Ann Gray

**Property**

**Owner:** Richard T. Jr. and Pamela A. Gray

**Location:** 126 Steele Drive (South of Steele Drive, East of Terri Drive)

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### **Request Summary**

This is a request for a Special Exception for an accessory apartment as authorized in Section 4-1-2 (9) of the Zoning Ordinance.



### **Background Information**

The subject property is identified by subdivision as Lot 7, Sweetbrier Hollow, Plat Book 13, Page 7. A building permit was issued for the existing dwelling in 1986. Property tax records indicate the existing two-story house is 1,851 square feet. The property is zoned R-1A.

### **Applicant's Request**

The applicant desires to construct an addition to the rear of the existing dwelling for an accessory apartment. The accessory apartment will be the residence of the property owner's 87 year-old mother. The family wishes to provide her a suite with a downstairs master bedroom and bath for easy access. A living room, kitchen, laundry room, and two car garage will also be added.



### **ZBA Review Criteria & Staff Analysis**

- 1. The proposed use shall be in harmony with the general purpose, goals, objectives, and standards of this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to the official notice, by the City.**

The Zoning Ordinance has allowed accessory apartments in the R-1A (Low Density Residential) District since at least 2004. The provision allows such apartments to be in the principal building or detached garage. It may only be occupied by members of the immediate family and will become void when the family member occupying the principal structure vacates the residence. The present request conforms to the intended purpose for the adoption of this Special Exception use.

- 2. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare either as they now**

**exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.**

The accessory apartment should not impact the surrounding neighborhood. It will be incorporated into the existing dwelling by the addition highlighted in yellow in the graphic above. The addition will meet minimum side and rear yard setbacks. Less than a 40 feet setback is allowed for the rear yard for nonrectangular lots as long as sufficient yard space is provided, which is the case for the subject property. Additional garage parking will be provided.

- 3. The proposed use will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, and services specified in this subsection. Where any such improvements, facilities, utilities, or services are not available or adequate to service the proposed use in the proposed location, the applicant shall, as part of the application and as a condition to approval of the proposed Special Exception permit, be responsible for establishing ability, willingness, and commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with this Ordinance, and other plans, programs, maps, and ordinances adopted by the City to guide its growth and development. The approval of the Special Exception Permit shall be conditioned upon such improvements, facilities, utilities, and services being provided and guaranteed by the applicant.**

The site is serviced by public water and sanitary sewer. The addition of the accessory apartment will not generate a significant increase in those services. The accessory apartment garage will be accessed by an extension from the existing driveway, therefore, not resulting in an additional curb cut on Steele Drive.

- 4. The Board of Adjustments may attach recommendations for Special Exception approval, additional criteria dealing with buffer yards, parking, lighting, building material, signage, or any other aspect of site plan approval necessary to mitigate the impact of the proposed Special Exception on the surrounding property. All conditions imposed upon any Special Exception permit approval, except those, which are otherwise stated in this Ordinance, shall be expressly set forth in the order granting such Special Exception permit. Unless and until prescribed conditions are met, no Zoning Compliance, Certificate of Occupancy or Business License shall be granted for the applicant for the Special Exception at the property.**

Staff recommends that the Planning and Building Departments be notified when the current owners move from the home.

- 5. The application shall be denied if the Zoning Board of Adjustment finds that the application and record fail to establish compliance with the standards of this Ordinance. Further, the application shall be denied if the adverse impacts of the development, despite any mitigating conditions that might be imposed by the Board**

**of Adjustments, outweigh any public or private benefits of the proposal and require denial in the interest of the overall public health, safety, and welfare.**

### **Planning Recommendation**

Planning staff recommends approval of the Special Exception as requested with the following contingency:

1. The Planning and Building Departments must be notified when the current owners move from the home, and the Special Exception will become null and void in such a case.